

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume III

Second Special Session

April 8, 2004 - April 30, 2004

Appendix
House Legislative Sentiments
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Pages 1563-2203

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-868) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-869) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY)

(H.P. 1342) (L.D. 1820)

Which was **TABLED** by Representative CLARK of Millinocket pending **ADOPTION** of **Committee Amendment "A" (H-868)**.

Representative ANDREWS of York **PRESENTED** **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. When I have been going door to door campaigning the past three terms, there have been two things that my citizens in the Town of York said they wanted. One was cheaper health care and the second was property tax relief. There is a proposal to provide health care, but we have not done anything to provide property tax relief to our citizens. Time is getting very short here. We still have not done it. One of the things that the people of the State of Maine felt was most important.

I understand we have a budget coming, a majority budget. I do know that in the original budget that was suggested, there was \$900,000 in the budget to take care of a shortfall for the overdraft of the Circuit Breaker Program. In other words, we had citizens in our communities applying for property tax relief under the Circuit Breaker Program. I know that I have had several from my community call and tell me that I sent it in, but they sent me a letter that said there is no money. The Governor had put that in his budget to honor this commitment to our taxpayers.

I now understand that this has been removed from the budget to take affect this year and has been put off until next year. What are we going to do next year for our citizens when we have this year and then the Circuit Breaker Program for next year also clumped together? When are we going to honor our commitment to the thing that the citizens of Maine want most? We know that because we have two proposals that we will be voting on by citizen's referendum. One definitely in June, which is felt by many citizens that will provide more property tax relief and then we have the Palesky tax cap, which we know is coming down. I firmly believe at the rate that we are going, that the citizens in the State of Maine will very eagerly and firmly latch on and vote for both these proposals. That is what I am hearing everywhere I go. Why haven't you done your job?

My amendment does two things. It takes three percent and distributes it evenly amongst the Circuit Breaker Program and then we are also looking at another budget item dealing with general assistance. That has been pushed forward to next year. Our towns are going to be required to pick this up now. How much more can we put on the backs of our local taxpayers. This is very simple. It just says that it reduces the amount retained by the slot machine operators by 3 percent and it is distributed evenly amongst the Maine Property Tax Program and municipal general assistance. This is one way that we can provide property tax relief to our citizens. When the vote is taken, I request the yeas and nays. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT** **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative CLARK of Millinocket moved that **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. The reason why I am getting up to Indefinitely Postpone this measure is we, in the committee, have dealt with different percentages right from day one. First of all, it was 55 to 45. We talked about tax relief. We talked about ways to spend this money. In order to spend this money, ladies and gentlemen, it has to be up and running first. The 61/39 percent, which the vender says they can't live with, but this amendment is increased by three more percent to 42 percent. If that is the case, then they will walk and somebody else will have to come in and try to operate this Racino in Bangor.

Property tax relief in the State of Maine is very, very viable. We need it here in the state. I don't think this bill, the Racino bill, is a place to look at it. We have numerous bills in the system, the Republicans have theirs, Democrats have theirs, the caucus in northern Maine have theirs, the skunk on the third tree from the left road has theirs. We have all kinds of different proposals in tax relief. All they have to do is get it voted out so we can talk about them on the floor.

I don't believe this is the proper way to have tax relief for the State of Maine in a gaming bill that is so hostile as it is to begin with. I hope that you will follow my light. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 430

YEA - Adams, Ash, Beaudette, Bennett, Berube, Blanchette, Bowles, Brannigan, Breault, Brown R, Bruno, Canavan, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dunlap, Duplessie, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Goodwin, Grose, Honey, Hotham, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McLaughlin, Mills J, Mills S, Moody, Moore, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Barstow, Berry, Bierman, Bliss, Browne W, Bryant-Deschenes, Bull, Campbell, Carr, Clough, Collins, Cressey, Curley, Daigle, Dudley, Duprey B, Eder, Fischer, Fletcher, Glynn, Heidrich, Jacobsen, Joy, Ledwin, Lewin, McCormick, McKee, McKenney, McNeil, Millett, Muse, Rector, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Suslovic, Sykes, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Bowen, Bunker, Crosthwaite, Dugay, Duprey G, Greeley, Hatch, Jodrey, Maietta, McGowan, Murphy, Norbert, Perry A, Saviello.

Yes, 88; No, 49; Absent, 14; Excused, 0.

88 having voted in the affirmative and 49 voted in the negative, with 14 being absent, and accordingly **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Representative **WOODBURY** of Yarmouth **PRESENTED House Amendment "B" (H-893) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Men and Women of the House. When the public voted on this referendum I believe there was some vagueness about whether they were voting on a few slot machines at the racetrack or a major casino like facility with 1,000 or more slot machines. I am confident that they were voting for at least a few slot machines at the racetrack. I am not convinced that they were voting for a major casino like facility. My amendment seeks to gain clarity on this question.

It amends the committee report by approving immediately only 50 slot machines with an increase to 1,500 slot machines on January 1, 2005 if the voters in a November referendum say that they want the increase from 50 to 1,500. Again, I am just seeking to get clarity on what the voters intended when they voted on this referendum. When the vote is taken, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-893) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to urge you to vote against this amendment to adopt this. Let's call a spade a spade. What company is going to come in here and do major renovations, put hundreds of thousands and possibly millions of dollars into a facility, hire two people, just about what it would take to monitor 50 machines. I don't want to reiterate everything that I said to you this morning, but 60 percent of the voters in my municipality have gone to the polls and voted for a full Racino twice. You come down here as an elected Representative and a lot of you feel you have taken the ball home when you run for election and you receive 60 percent of the vote in your district. I feel that is a strong message in anybody's language. The people have said that they want a Racino. Fifty machines does not a Racino make. Let's pass this as it came out of committee. It is a strong bill. It is a good bill. It is a controlled bill. It is a regulated bill. Let's put it to bed and stop trying to tinker it to death and kill it because a few people are uncomfortable with what we are trying to do in Bangor and maybe give some people a good honest days work. Thank you Mr. Speaker.

Representative **CLARK** of Millinocket moved that **House Amendment "B" (H-893) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-893) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment before us, like the good Representative from Bangor said, only places 50 slot machines in this facility and have it go out to referendum for another 1,450 in November. We, as a committee, looked at the different proposals, 3,000, 1,500, 25. There were all kinds of different numbers of proposals for slot machines in Bangor. We also looked at Scarborough because that was part of the discussion at the time. When the time is said and when the final vote was taken, we requested 1,500 machines in the City of Bangor. It does not go right up to 1,500 machines once they get that license, ladies and gentlemen. They have to start out gradually. They have to start out with 200 or 250 and then the following year or the year after that, they are going for another 250. They are not going to reach their full potential for another three years out after they get a license, if they choose to get a license. They are not going to have the maximum amount of 1,500 machines until three years out. Why do you want to send another election back to the people, which cost the people of the state more money to have a referendum to see if they want 1,450 more machines in the City of Bangor where the City of Bangor has already agreed to this and the people of the State of Maine has already agreed to it. Let's stop spending the taxpayer's money on elections putting things back out to referendum and start doing our jobs. I hope you will support the Indefinite Postponement. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-893) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 431

YEA - Adams, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Sherman, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Andrews, Bliss, Clough, Collins, Cressey, Curley, Daigle, Dudley, Eder, Joy, Lewin, McNeil, O'Neil, Rector, Shields, Simpson, Sukeforth, Suslovic, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Crosthwaite, Dugay, Duprey G, Fletcher, Goodwin, Greeley, Hatch, Jodrey, Lemoine, Maietta, McGowan, Murphy, Norbert, Perry A, Saviello.

Yes, 114; No, 22; Absent, 15; Excused, 0.

114 having voted in the affirmative and 22 voted in the negative, with 15 being absent, and accordingly **House Amendment "B" (H-893) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Representative **HOTHAM** of Dixfield **PRESENTED House Amendment "A" (H-879) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Mr. Speaker, Ladies and Gentlemen of the House. LD 1820 when it came to committee was a source of a considerable anxiety on my part. I was uncomfortable with the fact that we were adjusting and changing a bill that had been voted on and approved by the people of the State of Maine. I did believe that the Governor's bill was appropriate, however, in dealing with the shortcomings of the initiated bill as it regarded regulation. I support that going forward. As always with so many pieces of legislation, the confusion and the concentration of much time on the part of the committee came when it was time to talk about the money. The ruling guide for me personally as we went through that process was to keep in mind what we voted on last November, what the people of the State of Maine approved. As this bill comes forward this bill has part of the money piece, two additional stakeholders in the distribution of the monies. The bill as it currently written allows for 39 percent to come back to the State of Maine and be distributed to stakeholders. The two groups that are included on the list as a result of this legislation and the work of the committee are the commercial racing tracks and the off track betting facilities. They are on there for a reason. The commercial tracks are there because we heard testimony of particular Ms. Sharon Terry came to our committee and said that she is having a difficult time running that facility in Scarborough. She requested 4 percent. As I go through this, I hope you would keep in consideration that as the good Representative from Millinocket, Representative Clark, mentioned earlier, you won't see full implementation of these slot machines until the third year. That means in that third year it is projected that it is going to equal \$800,000. There is a ramping up in the first two years with full implementation in the third year. That means that the figure that Ms. Terry was talking about was \$3.2 million. She may very well need that. All this amendment asks is that the Gambling Control Board established through major substantive rulemaking criteria by which she and her organization will come forward to that board and prove her need. I think that is very little to ask since they were not part of the original piece of legislation passed by the people of the State of Maine.

Next, we have the off track betting facilities. We did not hear direct testimony from the off track betting facilities that I recall explaining why they should be on the list of stakeholders in this distribution. We have since heard through the media and also through information that we have received during the day today that they have supplied through their efforts \$30 million to harness racing in the State of Maine over the last 10 years. I have no reason to doubt that.

As you look at the legislation, it requires that we establish a fund to stabilize off track betting facilities. That, in my mind, tells me there is a need there. If there truly is a need, then the off track betting facilities can come forward, demonstrate that need and receive these funds. The same amount has been set aside on an annual basis, 4 percent and 2 percent to equal 6 percent. If those funds are not given out as a result of a failure to prove need, that money gets transferred to the general fund. We ask the most needy of us in the State of Maine to show that need. I don't think it is unreasonable for us to ask the commercial tracks and the off track betting facilities to show that need. I would hope that you would agree and help adopt this amendment. Mr. Speaker, I would request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-879) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Under suspension of the rules, members were allowed to remove their jackets.

Representative **PATRICK** of Rumford moved that **House Amendment "A" (H-879) to Committee Amendment "A" (H-868) be INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-879) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Mr. Speaker, Ladies and Gentlemen of the House. Just in regards to a couple of things that the good Representative said. I am not in total disagreement with him, but being the senior member on Legal and Veterans Affairs, one thing I can tell you about the need for Scarborough Downs is pretty evident when testimony resulted in racers coming from northern Maine and Canada, bypassing Scarborough Downs and headed to New Hampshire, Massachusetts, New Jersey or New York track because the purses there were significantly higher. The monies that they will receive will increase the purses in the State of Maine and hopefully those southern Maine states will flock up to northern Maine.

In regards to the 2 percent for the OTBs, I am not totally against what the good Representative said. Over the years that I have been on Legal and Veterans Affairs, I will state that they have kept afloat the harness racing in the State of Maine. Without them, the industry probably would have collapsed. In the future there is no reason why a future Legislature and even myself would not come back later on the need to show whether or not there is a need for the funds.

In committee we did have two or three other proposals that we looked at and even our caucus other venues of incomes that other areas said they were going to lose money and I even made the case in point then that if we were going to add them on, that we probably should find out what the need was. At this time, to get the legislation passed, the vast majority of us, 10 of us, we thought we could live with subsidizing OTBs at least in the short term because the amount of monies are going to drop off in a couple of years or drop down to 1 percent and 1 percent will be going back to the state. With that, I would encourage you to vote green and Indefinitely Postpone this amendment. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Mr. Speaker, Ladies and Gentlemen of the House. As we spend the waning hours of this evening divvying up our ill gotten gains, I would remind this body that this question was brought to us and brought to the citizens of Maine when your grandmother appeared in a television commercial that the matter from heaven was going to fund prescription drugs for the elderly as a recall. That was a bill of goods sold to the State of Maine. If we now, and I am not going to denigrate the work of this committee, I know it has been difficult and hard, but if we now go home and brag about however we divvied these up, 4 percent to OTBs or 3 percent to whoever, we are selling our constituents a bill of goods. We cannot bind the 122nd Legislature to anything. I would remind this body and I would predict that come January if things haven't improved, you

are going to see all these disbursements disappear into that great sucking sound called the general fund anyway.

I would encourage you to join with me in Indefinitely Postponing this amendment. Others that may follow will try to change this mix. Let's pass the bill if that is what we are going to do and get on with it. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I believe it states in here that financial assistance will cease when all commercial tracks and all off track betting parlors have slot machines. That sounds like an expansion to me.

The SPEAKER PRO TEM: The Representative from York, Representative Andrews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative did not go on to elaborate. Off track betting facilities in the current bill will receive 1 percent in perpetuity. There has been an attempt in this amendment to cut that off at some point. There is another point that says that either they have slots, I am not expanding gambling, you will recall earlier this morning that I said that this should be treated like the term limit bill and that any changes and any expansion of gambling should go back to the voters. Instead of having these payments continue on in perpetuity, I have suggested a possible cut off point to be either determined by successfully securing slots at these facilities or by a recommendation by the Gambling Control Board. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-879) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 432

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Honey, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Mills S, Moody, Moore, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Sampson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Berry, Brown R, Browne W, Clough, Collins, Cressey, Curley, Dudley, Eder, Fletcher, Heidrich, Hotham, Joy, Lewin, McKenney, McNeil, Millett, Muse, Peavey-Haskell, Richardson M, Rogers, Rosen, Shields, Simpson, Sukeforth, Suslovic, Sykes, Woodbury.

ABSENT - Berube, Crosthwaite, Daigle, Duprey G, Goodwin, Greeley, Hatch, Jodrey, Maietta, Murphy, Norbert, Perry A, Rector, Saviello, Sherman.

Yes, 108; No, 28; Absent, 15; Excused, 0.

108 having voted in the affirmative and 28 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-879) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Representative SUSLOVIC of Portland **PRESENTED House Amendment "E" (H-896) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Suslovic.

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. This amendment is quite simple. I believe that this amendment adheres to what Maine voters thought they were voting for. What this amendment does, very simply, is increases by 1 percent the amount going to the Maine Community College System and 1 percent to the University of Maine System Scholarship Fund. It also increases by 2 percent the amount to go the Fund for Prescription Drugs. Where does this money come from? This money replaces what is in Committee Amendment "A," which is the 4 percent that would be going to Scarborough Downs.

As the good Representative from Bath, Representative Watson, just said, people thought they were voting for "Madge" or you might call her the grandmother who said she needs help with her elderly prescription drugs and to send people to higher education. This is what people in Maine thought they were voting for. I don't recall any TV commercial saying, please help the owners of Scarborough Downs. The good people of Scarborough, Saco and Westbrook all got the chance to exercise their right to vote and they voted no. They did not want slot machines in their community. Now suddenly we have this 4 percent going back to Scarborough Downs. That is not what Maine people voted for. This, to me, smacks of that secret deal that was only unearthed after the people of Maine got their chance to exercise their right to vote. I would ask your support for this amendment. It adheres exactly to what the people of Maine voted for. I think when I look at the future of Maine, I would rather see, frankly, some more money going to get our young people to get higher education so they can get good jobs, career jobs, not the jobs that people have bragged about at these casinos, let's call them what they are.

I also think we are going to have to increase the support for prescription drugs. Maine's population, the second oldest in the country, is headed to becoming the oldest in the country. I can say that because my hair is going gray too. We are going from 14 percent of the population over 65 to 21 percent of the population over 65. That keeps me awake at night when I think about the challenge of providing health care, social services, but especially prescription drugs to a rapidly aging population.

This is no disrespect to the committee. The Legal and Veterans Affairs Committee worked long and hard, but ultimately it is this body that must speak for all the people of Maine who thought they were voting to put money into higher education and prescription drugs, not into the pockets of the owners of Scarborough Downs. I would ask that you vote for this amendment. When the vote is taken Mr. Speaker, I humbly request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-896) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative CLARK of Millinocket moved that **House Amendment "E" (H-896) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-896) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I again stand before you to Indefinitely Postpone House Amendment "E." The good Representative from Portland, Representative Suslovic, has brought a good amendment to this body. Ladies and gentlemen, it is already in the bill. It is what the people of the State of Maine voted for it. On the 75/25 split out of the 10 percent from the 90/10 on the slots is broken down to 25 percent of that. Ten percent of the 25 percent was for the Funds for a Healthy Maine. Two percent of the 25 percent was for scholarships for the University of Maine System. One percent of the 25 percent were for scholarships for the community colleges of the State of Maine. It is what the people of the State of Maine voted for in November.

In the Majority Report are the 39 percent. Ten percent of the 39 percent is for the Fund for a Healthy Maine. Two percent out of the 39 percent is for scholarships for the University of Maine System, which, in fact, goes directly to the University of Maine System, not through FAME, but directly to the University of Maine System for scholarships and also 1 percent out of the 39 percent goes back to the technical colleges, through the technical colleges for scholarships, not through FAME. It is already in the bill, ladies and gentlemen. It is already in the Majority Report. It is what the people of the State of Maine voted for back in November.

The committee wrestled hard and long on percentages. The allocations 61/39 or however you want to look at it. Everybody had their own little mathematical calculator or slide rule when it came time to look at allocations in the committee. The Majority Report had 61/39. Here we are spending taxpayer dollars printing amendments with the amount of the allocation already in the bill.

The Representative from Portland is right. Yes, the committees do most of the work and respect the process, but the majority of the work does go on in this body and also in the other body. I hope that you Indefinitely Postpone House Amendment "E."

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Suslovic.

Representative **SUSLOVIC**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose his question.

Representative **SUSLOVIC**: Mr. Speaker, Ladies and Gentlemen of the House. My question simply put is, did Maine voters vote to give 4 percent to the owners of Scarborough Downs?

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. It is not to the owners of Scarborough Downs. It is based on race dates. Of course, Scarborough has a considerable number more race dates than Bangor. They are going to get a majority of the money. That is how it is broken down in the formula. It is 26 race dates for the City of Bangor and about 100 to Scarborough Downs. That is how it is based out.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. The 4 percent to Scarborough Downs doesn't go to the pockets of Scarborough Downs. It goes to the purses to raise the purses of Scarborough Downs and Bangor racetracks. We heard countless testimony that even Canadian drivers go down to southern New England or New York. Our \$5,000 stakes in Maine are \$15,000 in New York. Why would a horse owner or breeder or anything want to stay in Maine? I really think it is important to expand and make harness racing viable by increasing our purses and this is exactly what it does.

It is kind of silly to debate what everyone in the State of Maine voted for. I have asked many people what they voted for and if they had read the bill. I would probably be hard pressed to say that 1,000 people in the State of Maine actually read the bill. The one thing that I do know is that of the people I have personally asked is they did want to protect harness racing, the farms, the breeds, the horse racers in the State of Maine. From that aspect, I think the money is going to a worthwhile cause that is going to raise increased purses and make our harness racing viable and hopefully it will expand. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to provide some additional input as a member of the Legal and Veterans Affairs Committee to the testimony just given by the good Representative from Rumford, Representative Patrick. Representative Patrick misspoke on the percentages. I steer the body to the filing number (H-868), which is the Committee Amendment that we are debating and looking at amending. If you look to Page 21, it talks about the percentages. In the detail of the bill, 10 percent of the supplemental harness racing purses are looked to be funded as part of this bill. That is the percentage for racing purses. As the good Representative from Portland, Representative Suslovic pointed out, that does not count in as different and as separate from the 4 percent fund to encourage racing at Maine's commercial tracks. Again, already in the bill we made a distinction as the Legal and Veterans Affairs Committee that supplemental racing purses, which both the Majority and the Minority Report agreed was a good thing because it promotes the harness racing industry is different than the direct subsidy to Scarborough Downs, which is the 4 percent to fund and encourage racing at Maine's commercial tracks.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to remind everybody, it goes by race dates. Race dates are different. The way it is dispersed is through the race dates. Bangor has 25 or 28, which is based on the Harness Racing Commission. Scarborough has 100 and something, which is based on the Harness Racing Commission. That is how that money is paid out.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-896) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 433

YEA - Annis, Ash, Austin, Bennett, Berry, Bierman, Blanchette, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill E, Churchill J, Clark, Clough, Courtney, Cowger, Craven, Cummings, Curley, Davis, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey,

Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lessard, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Smith N, Smith W, Snowe-Mello, Sullivan, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Watson, Young, Mr. Speaker.

NAY - Adams, Andrews, Barstow, Beaudette, Bliss, Carr, Collins, Cressey, Daigle, Dudley, Duprey B, Eder, Fischer, Glynn, Lemoine, Lundeen, McKenney, McNeil, Peavey-Haskell, Piotti, Sherman, Shields, Simpson, Stone, Sukeforth, Suslovic, Thomas, Thompson, Twomey, Wheeler, Woodbury.

ABSENT - Berube, Bowen, Bunker, Crosthwaite, Duprey G, Fletcher, Goodwin, Greeley, Hatch, Jodrey, Lerman, Lewin, Maietta, Murphy, Norbert, Perry A, Rector, Saviello, Wotton.

Yes, 101; No, 31; Absent, 19; Excused, 0.

101 having voted in the affirmative and 31 voted in the negative, with 19 being absent, and accordingly **House Amendment "E" (H-896) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED.**

Representative SIMPSON of Auburn **PRESENTED House Amendment "F" (H-897) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. My amendment simply adds for an additional distribution of 4 percent of the total gross slot machine income into the general fund for this body to decide how it should be dispersed for the people of the State of Maine. Thank you.

I would hope you would vote for this amendment. Thank you.

Representative **CLARK** of Millinocket moved that **House Amendment "F" (H-897) to Committee Amendment "A" (H-868) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-897) to Committee Amendment "A" (H-868).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Like I said time and time again in the previous debate, the committee has struggled tirelessly on what allocation to look at. When we first looked at this bill back in January, I had the notion of 55/45, fifty-five going to the operator and 45 to the state. The very next day when I said that, it was in the *Bangor Daily News* that I was trying to drive Penn National out. My fellow committee members know that I am not trying to force anyone out of the state for doing business. I thought that was a fair price to have for slot machines for an operator here in the State of Maine. Over deliberations from the committee, which we did time and time again, sometimes one or two sessions a day, we came up with 61/39. It is not perfect to everybody. I lose some. Everybody on the committee loses some. Here we are trying to change the allocations from 39 to 43 percent. Where is that 4 percent going to go? The good Representative from Auburn, Representative Simpson said, that it will be decided by the people of this body. Like I said previous times, I wouldn't mind having 4 percent going to my hometown. I mean, Congress does it in the highway bill. Why can't I? When the time came down to vote for a bill to come out of committee, we had a strong

majority of 10 members of the committee, both the House and the other body, to go with the 61/39 percent. Like I said, everything is not perfect. Like my good seatmate said in the previous debate, the 122nd will probably come and change everything. No Legislature is bound by the previous Legislature. It could happen. If the Representative from Auburn gets reelected, they can put in the bill for 4 percent to the City of Auburn. Every legislator can do that. I know a lot of wheels are turning right now in member's minds of where to spend the extra 4 percent. Everybody in our committee did it. Like I said, when the time came out to vote on this, with the agreement, it was better on 61/39.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment was well intended I am sure. I know that there are many avenues where we could put an additional 4 percent revenue to help our general fund. I want you to know that the members of the Legal and Vets Committee all took this into consideration. We all came to the table with our own thoughts about what was the best percentage for the state for host communities, Fund for a Healthy Maine, scholarship money for the University of Maine, funding for the University colleges within the state. We all had our ideas. We also had to keep in the back of our mind that what was a workable solution for the entity that wanted to bring this into Bass Park. We came to a meeting of the minds. A 10 to 3 report out of any committee is a strong recommendation. There was give and there was take on both sides of the aisle on this one. I urge you to Indefinitely Postpone this amendment and let's pass the good bill that that came out of Legal and Vets. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-897) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 434

YEA - Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Bierman, Blanchette, Bliss, Bowles, Brannigan, Breault, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Curley, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Perry J, Pineau, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Clough, Collins, Cressey, Dudley, Finch, Glynn, Kane, Lemoine, Lewin, McNeil, Millett, Percy, Pingree, Piotti, Sampson, Shields, Simpson, Sukeforth, Suslovic, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Berube, Bowen, Brown R, Bunker, Crosthwaite, Daigle, Duprey G, Fletcher, Goodwin, Greeley, Hatch, Jodrey, Maietta, McGowan, Murphy, Norbert, Perry A, Rector, Saviello, Sherman.

Yes, 106; No, 25; Absent, 20; Excused, 0.

106 having voted in the affirmative and 25 voted in the negative, with 20 being absent, and accordingly **House**

Amendment "F" (H-897) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED.

Representative ANDREWS of York **PRESENTED House Amendment "C" (H-894) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a rather long debate. This amendment would remove from the bill something that was not voted on by the public and that was to give money to the off track betting parlors, unless you take into consideration the agreement that was signed without the public really being aware of that would have allowed slot machines. Having said that, I was quite moved by the good Representative from the Penobscot Nation's talk this morning. She did carry the water. I have to say that I was probably one of the strongest ones fighting that fight against her and the tribes. Having said that, I fought the fight because I truly felt that that bill as was written was not in the best interests of all the citizens of the State of Maine, including the Penobscot and Passamaquoddy Nation.

What this bill seeks to do is to take the money from the off track betting parlor that would have gone to them and give it to the tribal nations to be used for housing and medical needs. When this bill first came up, we do know that there was another individual that had the license to have the slot machines. That person withdrew. We also know that the tribal nations have been looking at ways to provide economic development and means to take care of their own nation. Although I am against the Racino bill per say, I do feel that it would have been appropriate and they should have been allowed to have a seat at the table to present their proposal to run the slots at the commercial tracks. They asked and they were denied. They are still looking for ways to provide for their people. I see this as one way. If we are going to deny them other ways, then perhaps doing that. Thank you.

Representative CLARK of Millinocket moved that **House Amendment "C" (H-894) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-894) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from York, Representative Andrews, has put forth an amendment that the committee is very familiar with. We tinkered from day one. In fact, I was the one who put the idea in front of us about the Indians getting a percentage from the allocation. From a draft that was proposed by the chairs to use as a boiler point, on February 12, we had 1 percent going to the Passamaquoddy and the Penobscot Nations. Like with the OTBs, after 48 months, it would be reduced to a .5 percent. The OTBs were going to get reduced so the committee thought it was fair for the tribes to be reduced. On February 18, the committee voted three in favor and eight no. We had 11 people and two people absent. Three people voted in favor of having the Indians included in the allocations. Eight people voted against it. We looked at this long and hard. When we took it out to different caucuses it was brought up again about adding them back in. Again, it got voted down by the committee. We have looked at this with the allocations from day one from the tribes and OTBs and from the fairs, the Fund for the Healthy Maine, the scholarships, the host

community and from these other places that are receiving money from that 39 percent. We are looking at the allocations. We already looked at this as a whole committee. Like I said, three people from the committee, of which I was one of them, voted in favor of it and eight people voted against it. We already looked at it long and hard.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. You all know how I feel about an allocation to the off track betting facilities and the classification under which I place that. I would place this under the same classification as not being part of the initiated bill. I would urge that you would vote in favor of the motion on the floor. Thank you very much.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-894) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 435

YEA - Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Heidrich, Honey, Hotham, Hutton, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Muse, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rogers, Sampson, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Sullivan, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Bliss, Clough, Collins, Cressey, Curley, Dudley, Eder, Fischer, Fletcher, Joy, Lewin, McKee, McNeil, Peavey-Haskell, Richardson M, Rines, Rosen, Simpson, Stone, Sukeforth, Suslovic, Thompson, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Berube, Crosthwaite, Daigle, Duprey G, Greeley, Hatch, Jackson, Jodrey, Maietta, Marraché, McGowan, Moore, Murphy, Norbert, Norton, Pellon, Perry A, Rector, Saviello, Watson.

Yes, 103; No, 28; Absent, 20; Excused, 0.

103 having voted in the affirmative and 28 voted in the negative, with 20 being absent, and accordingly **House Amendment "C" (H-894) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED**.

Representative SIMPSON of Auburn **PRESENTED House Amendment "G" (H-898) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. This amendment reduces to 1 percent the distribution of gross slot machine income to off track betting and transfers that 1 percent to the Baxter Compensation Fund. Students in the care of the state at the Baxter School For the Deaf were terribly abused. We have a moral obligation to compensate them. The fund has run out of money. I see this as a priority for them. No amount of money can repair the damage done to the students at the Baxter School for the Deaf, but we do have a moral obligation

to try. Since the people of the state did not vote for off track betting to receive a percentage of the slot machines. I see this as an issue of fairness. It is a higher priority for me and I would hope for this body to restore the money to the Baxter Compensation Fund over giving money to the off track betting parlors, which was not part of the initiated bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. After 48 months, does this 1 percent get reduced to .5 percent? Also, is the 1 percent the significant amount of money that they need for their amount that is owed to them by the state.

Representative **CLARK** of Millinocket moved that **House Amendment "G" (H-898) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-898) to Committee Amendment "A" (H-868)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Here we are asking for another percentage point away from the allocations. Like previous members from the committee have said before, we looked at every avenue for additional revenues for those allocations to be used on. We had Millinocket and other places, the Indians and we even had money allocated to go to the new Bangor Auditorium without even looking at it. Although I believe that the good Representative from Auburn, Representative Simpson, has brought forth a good amendment. I have a constituent that goes to this Baxter School for the Deaf. He has been interviewed on numerous occasions. I don't think it is the responsibility for the City of Bangor with the Racino being up and started in the City of Bangor for them to take a percentage point away from them. I know the OTBs with the 2 percent is very, very shaky. I understand that, but like I said before, the committee looked at every possible way of allocation. This is what the committee came up with. When the committee looks at tax reform, usually the tax reform components come from the Committee on Taxation. It has an idea of their own. We look at the committee process very, very strongly in this body and also in the other body. I am not saying that this amendment is not a good amendment, but I don't think it is an amendment that we should put on this bill in order for it to pass. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-898) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 436

YEA - Annis, Ash, Austin, Bennett, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Courtney, Cowger, Craven, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Fletcher, Gerzofsky, Grose, Heidrich, Honey, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Landry, Ledwin, Lessard, Lundeen, Mailhot, Makas, Marraché, McCormick, McGlocklin,

McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Perry J, Pineau, Richardson E, Richardson J, Rogers, Rosen, Shields, Smith N, Smith W, Snowe-Mello, Sullivan, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Barstow, Beaudette, Bliss, Bull, Collins, Cressey, Cummings, Curley, Dudley, Eder, Finch, Fischer, Glynn, Joy, Koffman, Lemoine, Lerman, Marley, McNeil, Percy, Pingree, Piotti, Rines, Sampson, Sherman, Simpson, Sukeforth, Suslovic, Thompson, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Bierman, Bunker, Crosthwaite, Duprey G, Gagne-Friel, Goodwin, Greeley, Hatch, Hotham, Jacobsen, Jodrey, Lewin, Maietta, Murphy, Norbert, Perry A, Rector, Richardson M, Saviello, Stone, Sykes, Watson.

Yes, 94; No, 35; Absent, 22; Excused, 0.

94 having voted in the affirmative and 35 voted in the negative, with 22 being absent, and accordingly **House Amendment "G" (H-898) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-868)** was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the Second Reading.

Representative **GLYNN** of South Portland **PRESENTED House Amendment "A" (H-891)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-891)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. You have before you a very simple, but very important question. It is the question that is on the minds of many Mainers, all Mainers. It is how the Legislature is going to act on this Racino legislation if we are going to uphold the will of the voters and if we are going to allow the voters an opportunity to weigh in again. This amendment is quite simple. What it does is it allows the Majority Report as proposed by the committee to go into full force so that we do have a regulatory authority here in Maine and that this industry is highly regulate. What it does is it acknowledges that the Legislature has gone into a public referendum, a proposal proposed by the people, the will of the people, and we have amended it. It provides for a check in back to the voters.

The check in is going to be a three-part question next November. Simply stated, the question will be, to either allow the slot machines at commercial harness racing tracks as amended by this bill and all of these accompanying amendments, part B, would be the slot machines of the commercial harness racing tracks as enacted by the citizen's initiative, the bill that was the bill of the public put before us as they proposed it November 4, 2003 or C, repeal Racino.

The voters of Maine did weigh in on the question of Racinos and we have that legislation. It is public law. The Legislature has started down a very slippery slope. That slippery slope is that we say on one hand that it is the will of the public that we have Racinos in Maine and then we talk out of both sides of our mouth and we say, however, they really meant this and then we proceeded to amend the public law and change it, divvying up percentages, setting the number of slot machines and expanding

gambling in Maine by subsidizing other gambling interests, the least of which is OTBs, off track betting parlors.

A poll in Maine as actually taken regarding Racinos. In my opinion, they are the only polls that count. Those are the election polls. Let me tell you about those polling results. The voters in Scarborough weighed in on Racinos when they got an opportunity to see exactly what Racinos in Maine would be and they said no. The voters of Westbrook got a chance to weigh in after they saw what this Racino law really is and they said no. The voters of Saco got a chance to weigh in on what this Racino law looks like and what it actually meant to their community and they said no.

Ladies and gentlemen of the House, now that the voters of Maine have had the opportunity to see what exactly this Racino is all about, I charge that they have changed their minds. They would like the opportunity to undo this referendum and they would like to have the opportunity to repeal Racino. I bet, and I am not a betting man, but we do have some betting folks here in the chamber, if this referendum went back out on the ballot, we would see Racino repealed. Mainers don't like what they have seen.

Consequently, voters in southern Maine when they have been asked to have one of these facilities located in their community, they have stood up and they have said no. They have stood up and they have said no by a very wide margins. For all these reasons, I think it is important that we do continue the good work of the committee and put into force regulations to regulate this industry. If we are going to have Racinos in Maine, yes, they should be regulated and they should be highly regulate. The bill provides for that. What the bill does not provide for is for the voters to be able to weigh in on all of these changes of expansion of gambling that this body has adopted nor does the public have an opportunity to do what I think they want to do and what my constituents want to do and that is to repeal Racinos.

Ladies and gentlemen, I hope you join with me in sending this issue back to our boss, the voters.

Representative CLARK of Millinocket moved that **House Amendment "A" (H-891) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-891).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. This amendment before us, House Amendment "A," was something again that the committee looked at very, very closely. We looked at sending it back out to the voters. Yes, there were some changes in this bill to make it a little bit stronger for the people of the State of Maine on a control board. We have two-tier monitoring system for monitoring slot machines in Bangor. We have a Gaming Control Board, which is not going to be done by the Harness Racing Commission as standard in Q2 last November. It is a five-member board appointed by the Governor and confirmed by the Legislature. They are going to have an executive director. When this item was brought forth to us in committee, let me go back to my notes on February 18, the motion before the committee was to have a referendum process to bring this back to the people. Out of 11 people in the committee, two voted yes and nine voted no.

The good Representative from South Portland, Representative Glynn, has brought forth an amendment which adds Part C to the bill in the Committee Amendment, but it also repeals it if this bill is passed. What it means is that you can

have harness racing on one hand if enacted, but you can't have slot machines. I want to remind the body of the House that if we pass LD 1820 as amended by the Majority Report, they still have to go in front of the gaming board to get a slot license. It is not a guaranteed license. They still have to go in front of the gaming board, which is a board of five members, which hopefully will be set up, because we set in a date of September 30, 2004 to look at these applications for a slot license in the State of Maine. We only have one vendor, which is Penn National. We only have one site, which is going to be Bangor.

We have slot machines that the people of the State of Maine voted for. My district is totally different from what the good Representative from South Portland, Representative Glynn's district is like. He has the Maine Mall. I have the woods, the moose and the trees, the mountain, a beautiful view of anywhere that you want to see of Mt. Katahdin or Baxter State Park. My voters are totally different from what his voters are and the polls stipulated that the City of Bangor voted 60 percent that they wanted slot machines at the Bangor Historical Track. That was a referendum held in the City of Bangor. Again in November of 2003, the City of Bangor voted 60 percent to have slot machines at Bangor Historical Track.

I know that the good Representative from South Portland knows that the people in Scarborough voted against it. The people of Saco voted against it. The people of Westbrook voted against it. That is their prerogative. That is their right. The people of Bangor voted for it. The people of Bangor should have the opportunity to have the slot machines in their home community. That is like saying that the people for Millinocket voted for me, but they can't have me because the Legislature doesn't want me in the Legislature. I know some people would like that. We are here today to write policy for the State of Maine. Everything that we do here shouldn't be sent back out to the voters. The people of the state voted us here to represent them, to be their voice in Augusta. If you don't want to be their voice in Augusta, why did you run?

We have to make these tough decisions. It is very tough. I know. Like I said, in the committee when this was brought up time and time again, numerous times it was overwhelmingly defeated, nine to two or 10 to two. We even put it on a list to defer. We had a whole laundry list to do. When push came to shove, we said that the people of the State of Maine would go by what they voted on back in November. Yes, the allocations have changed. It is not 75 percent anymore to the operator. It is 61 percent. The people of the State of Maine win. It is not 25 to the state. It is 39. The people of the state win. I hope my fellow colleagues will join me in Indefinite Postponement of House Amendment "A." Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. I guess I am standing here to further your education on Racino, as if you haven't heard enough though the amendments and the bill that has been before us today. The polls do count. The polls have told us and they have told us twice, once statewide and once within my municipality that the people in Maine and the people that reside in the City of Bangor want slot machines. That is the point. They voted. Every municipality in this state also has the right to vote whether they want gambling or not. My people have. If we send this back out to a statewide referendum, you are, in fact, saying that because you live in Bangor and you live in northern Maine, you didn't actually know what you were voting for so we want you to go out statewide so we can tell you that you were wrong. My people were not wrong. I was not wrong. I supported the casino. I have

supported the Racino because I am looking at a 150 year old industry in the State of Maine that without some financial support from the slot machines is very, very likely to die. Let's add that to the list of other industries that we have set in the Legislature and tried our best, couldn't think of anything creative enough to bring income in to retain these industries. You have the logging industry, the shoe industry, the poultry industry. The potato industry is just a fraction of what it used to be years ago. Let Bangor citizens have the right to go to the polls and vote and the people in the State of Maine and their legislators that they vote to send down here to have the respect of that vote and to allow slot machines to go into Bangor. Your community will have its chance if it ever comes there to say yes or no. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Portland.

Representative **SUSLOVIC**: Mr. Speaker, Ladies and Gentlemen of the House. Just very briefly, I know I shouldn't use the expression, but I think we have beaten this to a dead horse, but the point I wish to make is we have heard repeatedly this evening and at great length how difficult it was for the Legal and Veterans Affairs Committee to wrestle with these issues. I really do respect and appreciate the work that they have put in. This exorbitant amount of work and how difficult it was to me sends the message that some significant changes had to be made on what the voters of Maine originally voted on. If these were just minor tinkering, then it wouldn't have been as difficult and as contentious. I would just recall a year ago when this bill came before this body through the citizen initiative, we were given the choice of either enacting it verbatim or if we wanted to amend it, then it would have to go out on a competing measure or we could pass it without change. It seems to me that in order to honor, if not the letter of the Constitution, then certainly the intent, this bill should go back out to the voters. Occasionally the good Representative from South Portland, Representative Glynn and I are on the same page and this is one of those occasions. I commend him for his work on this. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-891). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 437

YEA - Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKenney, Millett, Mills J, Moody, Moore, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Sampson, Smith N, Smith W, Snowe-Mello, Sullivan, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Berry, Bliss, Clough, Collins, Cressey, Curley, Daigle, Dudley, Eder, Glynn, Joy, Lemoine, Lewin, McKee, McLaughlin, McNeil, Mills S, Rogers, Rosen, Shields, Simpson, Stone, Sukeforth, Suslovic, Twomey, Wheeler, Woodbury.

ABSENT - Bierman, Crosthwaite, Duprey G, Goodwin, Greeley, Hatch, Hotham, Jodrey, Maietta, Murphy, Muse, Norbert, Peavey-Haskell, Perry A, Rector, Saviello, Sherman, Sykes, Usher, Vaughan.

Yes, 102; No, 29; Absent, 20; Excused, 0.

102 having voted in the affirmative and 29 voted in the negative, with 20 being absent, and accordingly **House Amendment "A" (H-891) was INDEFINITELY POSTPONED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-868)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Exempt Unemployment Benefits from State Income Tax

(H.P. 1267) (L.D. 1745)

(C. "A" H-755; H. "A" H-813)

TABLED - April 7, 2004 (Till Later Today) by Representative BRUNO of Raymond.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Sukeforth.

Representative **SUKEFORTH**: Mr. Speaker, Ladies and Gentlemen of the House. I stand today to urge you to vote no on LD 1745. I understand the basics of this bill and the good intentions if somebody has a hardship and they are on unemployment that perhaps we should give them a break and not be taking state income taxes from their unemployment check, but the problem with it that I see is that it is a blanket policy and there could be seasonal workers who may work in the construction industry and work eight or nine months of the year and perhaps may make \$25,000 or \$30,000 or \$35,000 and be collecting unemployment for several weeks because of the seasonal nature of their job. I don't think it is people like that that should not have state income tax taken from their unemployment benefits. That is the beauty of our state income tax system. It already is a progressive tax system. If somebody really has a true hardship and doesn't make that much money or over the threshold, then they won't have or have very little state income tax withdrawn anyway from their income. I think there are serious flaws with this. I would urge you to vote no. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. This issue came up when we debated the bill the first time through here. We were talking about those seasonal employments in this state where men and women work for some months of the year and then the nature of the work they are involved in terminates. They are out of work for the rest of the year. That is an employment practice that does not favor working men and women. It is not the kind of thing that we want to support in the state, but it is not the kind of thing that we need to redress through the unemployment bill before us. What we are